

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHADWICK MCQUEEN AND THE TERRY  
MCQUEEN TESTAMENTARY TRUST,

Plaintiffs,

-against-

CLOTHING COMPANY S.P.A., BELSTAFF  
USA CORP. AND BELSTAFF  
INTERNATIONAL LTD.

Defendants.

08 CV 3019 (LTS)(RLE)

**BELSTAFF INTERNATIONAL  
LTD.'S NOTICE OF MOTION AND  
MOTION TO DISMISS FOR LACK  
OF PERSONAL JURISDICTION  
(FRCP 12(b)(2))**

**ELECTRONICALLY FILED**

**NOTICE OF MOTION AND MOTION**

TO PLAINTIFFS CHADWICK MCQUEEN AND THE TERRY MCQUEEN  
TESTAMENTARY TRUST AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that defendant BELSTAFF INTERNATIONAL LTD.  
("BIL"), for itself and no other defendant, hereby moves the Court under Federal Rule of  
Civil Procedure 12(b)(2) to dismiss the action in its entirety as against BIL for lack of  
personal jurisdiction. BIL does not engage in business in the United States, does not  
have any offices or employees here, has no assets in the country, and sells no products in  
the United States. BIL thus lacks minimum contacts with this state for purposes of either  
general or specific personal jurisdiction.

BIL's motion to dismiss is based on this notice of motion and motion, the  
Memorandum of Law that follows, the accompanying Declaration of Franco Malenotti,  
any reply papers that may be filed, the arguments of counsel (in the event of a hearing)

and the Court's file in this action.

BIL, through its undersigned counsel, has used its best efforts to resolve informally the matters raised in this motion. BIL's efforts include the sending to counsel of record for plaintiffs a letter outlining BIL's legal and factual positions on the issues raised herein and at least one telephonic discussion of such issues. BIL now submits this motion because plaintiffs have not voluntarily withdrawn their action with prejudice against BIL in spite of the latter's best efforts.

Dated: New York, New York  
May 15, 2008

By:/s/ Jonathan A. Selva

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Attorneys for Defendant  
BELSTAFF INTERNATIONAL LTD.

**CERTIFICATE OF SERVICE**

I, Jonathan A. Selva, hereby certify that on May 15, 2008, I electronically filed the foregoing: *Rule 7.1 Statement of Clothing Company S.p.A.; Answer of Clothing Company S.p.A.; Rule 7.1. Statement of Belstaff International, Ltd.; Notice of Motion and Motion of Belstaff International, Ltd. to Dismiss for Lack of Personal Jurisdiction (FRCP 12(b)(2)); Declaration of Franco Malenotti in Support of Belstaff International, Ltd.'s Motion to Dismiss for Lack of Personal Jurisdiction (FRCP 12(b)(2)); and, Belstaff International, Ltd.'s Memorandum of Law in Support of Motion to Dismiss for Lack of Personal Jurisdiction* with the Clerk of the Court using CM/ECF. I also certify that the foregoing documents are being served this day on the following counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF:

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Dated: New York, New York  
May 15, 2008

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